

Kol Ha-Rav April 2016

There is an old phrase in Jewish sources: “minhag avoteinu b’yadeinu”, the customs of our ancestors rest in our hands. In other words, we can and have changed or eliminated time honored customs.

There was a widespread minhag (custom), for example, to rely on amulets for good fortune, or refuse to eat bread baked by a gentile or a wine bottle opened by a non-Jew. These minhagim were abandoned because they were deemed to be minhagei shtut (silly customs) or in some other way offensive to the times. But what about eating kitniyot (legumes) on Passover? The Conservative Law Committee has at last published an opinion permitting kitniyot even for Ashkenazi Jews, something our brothers and sisters on the Israeli Law Committee adopted some years ago.

No religious authority thinks of kitniyot as hametz, which is clearly prohibited on Pesah. Kitniyot is simply not hametz. There are only five grains that can become hametz, and they are: wheat, barley, spelt, rye and oats. Corn, beans and rice—not hametz. Oddly enough, corn, beans and rice cannot be used as ingredients in matzah. Why? Because only that which can become hametz can be used in the baking of matzah. The Sefardic Jews who emanated from Spain and Portugal never had this minhag of kitniyot and could eat rice and beans over the festival. So why did the Ashknazim adopt what can only be thought of as an unnecessary stringency? Several reasons are suggested in the literature.

Some thought that it had to do with how it was made or how it was stored. Or perhaps the preparation of a bean or rice meal included its mixture with some sort of grain, and the thought of preparing the dish without oats or absent rye was unthinkable. Or perhaps the beans were stored in bins formerly used for wheat, in which case the beans would be covered with hametz dust. Whatever the case may be, there is no adequate reason to prohibit these items today.

People understand hametz; they don’t get kitniyot, and they especially don’t get it when learning that Sefardim happily consume it free of rabbinic objection. The kitniyot prohibition ends up being a gratuitous distinction between one major group of Jews and another. The prohibition also inhibits unnecessarily the food choices available to vegetarians, some of whom use beans, corn and soy as significant protein substitutes for the

meat, fish or cheese they do not consume. The prohibition further limits everyone's choice in Pesah-friendly foods complicating those who are adopting healthier modes of eating as they move away from red meats or eggs. And the prohibition removes from the shopping list a host of substantially less expensive food items, which could bring down the total monumental cost involved in our pre-Pesah shopping.

For all these reasons, I want to let you know that I fully endorse the CJLS's teshuvah, and over Pesah, I will, as I have for years, happily partake of beans (if I ate them, but I don't) or corn (which I do eat), or rice (but alas no soy sauce) or encourage others to do the same. It is a decision based on the idea that Jewish law is a reflection of God's will, and that God's will is always of value and meaning. To the extent that the kitnityot minhag does not seem to be of value or meaning, or reflective of God at all, there is no reason to promote it any longer.